

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action of January 23, 2009. Reconsideration and allowance of the application in view of the amendment made above and the remarks to follow are respectfully requested.

Claims 1-10 are pending in the Application.

In the Office Action, claim 10 objected to for an informality resulting from an obvious clerical error. Claim 10 is amended herein in accordance with the Examiner's suggestion. Accordingly, withdrawal of the objection to claim 10 is respectfully requested.

In the Office Action, claims 1-6 and 8-10 are rejected under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2001/0026518 to Shishido ("Shishido") in view of European Patent Publication No. WO 01/22416 to Ijtsma ("Ijtsma") and U.S. Patent No. 5,802,028 to Igarashi ("Igarashi"). Claim 7 is rejected under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2003/0068159 to Haan ("Haan") in view of Shishido ("Shishido"), Ijtsma and Igarashi. These rejections are respectfully traversed. It is respectfully submitted that claims 1-10 are allowable over Shishido in view of Ijtsma and Igarashi alone, and in view of Haan for at least the following reasons.

It is undisputed that Shishido fails to teach, disclose or suggest "data structures comprising space bitmap and defect management structure and to finalize the write-once storage medium by recording the data structures at a predefined fixed location on the write-once storage medium, wherein the predefined fixed location is predefined for a rewritable storage medium, wherein the predefined fixed location is a different location than the temporary location." (See, Office Action, page 3.) Ijtsma is cited to provide that which is admitted missing from Shishido however, it is respectfully submitted that reliance on Ijtsma is misplaced.

It is stated in the Office Action that (emphasis added) "Ijtsma discloses a write-once storage medium [CD-R] having the following requirement ..." (see, Office Action, page 3, last paragraph), however, it is respectfully submitted that this position is not supported by Ijtsma. In fact, Ijtsma shows a (emphasis added) "method of recording digital information signals on a removable rewritable disc like recording medium ..." (E.g., see, Ijtsma, abstract, and page 1, lines 1-6.)

In fact, Ijtsma is directed to finding (emphasis added) "a replacement for the floppy drive. A rewritable storage medium of

the disc like optical type, such as the CD-RW, seems to be a logical choice ..." (See, Ijtsma, page 1, lines 15-16.)

In fact, Ijtsma is directed to (emphasis added) "methods for Defect Management and Formatting described in this description can be used to optimize the performance of High-speed CD-RW in a computer environment." (See, Ijtsma, page 4, lines 15-17.) Ijtsma makes clear to a person of ordinary skill in the art that its teachings are related to "mak[ing] defect management [of a rewritable disk CD-RW] backward compatible with legacy drives such as CD-ROM." (See, Ijtsma, page 5, lines 23-24.) As such, Ijtsma teaches that the rewritable CD-RW disk "shall be compatible with Multi-read compliant CD-ROM drives ..." (See, Ijtsma, page 4, lines 17-18, line 22.)

Accordingly, Ijtsma has nothing to do with (emphasis added) "recording data and data structures on a write-once storage medium" as recited in the present patent application and claims. Accordingly, it is respectfully submitted that Ijtsma does not provide any teachings to a person of ordinary skill in the art that are relevant to the claims of the present patent application.

Further, while the Office Action alleges that Ijtsma teaches "the controlling means are adapted to record the data structures at

a predefined temporary location in a reserved area on the write-once storage medium and to finalize the write-once storage medium by recording the data structures at a predefined fixed location on the write-once storage medium", this position is not supportable by what in fact is shown in Ijtsma.

For example, while Ijtsma, page 17, lines 29-30 are cited for showing "recording at predefined temporary location in a reserved area", it is respectfully submitted that this portion of Ijtsma has no such teaching. In fact, Ijtsma makes clear that the reserved packet area shown in FIG. 4 is "a Reserved Packet ... [which] shall not be used for any other purpose than for File System use." (See, Ijtsma, page 7, lines 21-23.) So while it is true that this is a defined location, namely, "[t]he last Packet of the GPA ..." (see, Ijtsma, page 7, lines 21-22), this is by no means a "temporary location" to "record the data structures" as recited in the claims.

In addition, Ijtsma does not disclose or suggest finalizing the write-once storage medium by recording the Reserved Packet data structures at a predefined fixed location as suggested in the Office Action (see, Office Action, page 3 - page 4). In fact, the portions of Ijtsma cited in the Office Action (in error) in support of this position relate to recording the Lead-in and Lead-out Area.

In the portion of Ijtsma cited in support of this position, in contrast with what is alleged in the Office Action, Ijtsma states that "finalization will be discussed in more detail, with reference to FIG. 13, showing the status of a disc after several steps of finalization. After the full Data Area and the General Purpose Area have been recorded or de-iced, the Lead-in and Lead-out Area are recorded." (See, Ijtsma, page 18, lines 6-9.)

While Ijtsma is clearly deficient in all the teachings alleged by the Office Action, it must be pointed out that Ijtsma also makes no suggestion of writing the "Reserved Packet" (e.g., the data structures alleged by the Office Action to be written previously in the predefined temporary location) into the lead-in or lead-out area during the finalization process and as such, is completely irrelevant to the claims of the present patent application.

Igarashi is introduced for allegedly showing "space bitmap and defect management structure" and as such, does nothing to cure the deficiencies in each of Shishido and Ijtsma.

Accordingly, it is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Shishido in view of Ijtsma and Igarashi. For example, Shishido in view of Ijtsma and Igarashi does not teach, disclose or suggest, a

device that amongst other patentable elements, comprises a (illustrative emphasis added) "device for recording data and data structures on a write-once storage medium, the data structures comprising space bit map and defect management structures, the device comprising writing means for recording the data and the data structures; controlling means for generating the data structures and controlling the writing means; wherein the controlling means are adapted to record the data structures at a predefined temporary location in a reserved area on the write-once storage medium and to finalize the write-once storage medium by recording the data structures at a predefined fixed location on the write-once storage medium, wherein the predefined fixed location is predefined for a rewritable storage medium, wherein the predefined fixed location is a different location than the predefined temporary location" as recited in claim 1, and as similarly recited in each of claims 4, 7 and 8. Shishido and Igarashi are admitted in the Office Action as deficient in these teachings and as should be clear from the above discussion, not only does Ijtsma not provide any teachings relevant to a write-once storage medium, even as such and as should now be clear, Ijtsma does not teach, disclose or suggest recording the data structures at a predefined temporary location and at

finalization recording the same data structures at a predefined fixed location.

Haan is introduced for allegedly showing elements of the dependent claims and as such, does nothing to cure the deficiencies in each of Shishido, Ijtsma and Igarashi.

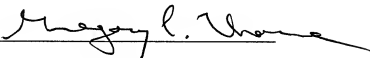
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 4, 7 and 8 are patentable over Shishido in view of Ijtsma and Igarashi alone, and in view of Haan and notice to this effect is earnestly solicited. Claims 2-3 and 5-6 respectively depend from one of claims 1 and 4 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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